

REMARKS

In the action mailed March 2, 2001, the rejections of Claims 1-5, 7, 15-18 and 26-28 and 29 under 35 U.S.C. §103(a) were maintained. All other rejections have been withdrawn. The support for the amendments to claims 1 and 28 is found on pages 19-23 of the specification. No new matter has been added.

It was noted in the action that Applicant has not yet overcome the §103 rejection of record based upon the provisions of 35 U.S.C. §103(c) because Applicant had not yet met the requirement of stating on the record that the present application and the §103 reference were commonly assigned at the time of filing. See 1241 O.G. 96. It is hereby represented that U.S. Patent No. 5,759,900 (the Wahl Patent) and the present application, U.S.S.N. 09/309,128, were commonly assigned or subject to an obligation to be assigned to The Procter & Gamble Company at the time the present application was filed. An assignment of the present invention to The Procter and Gamble Company was recorded with the Assignment Branch of the U.S. Patent & Trademark Office beginning at reel and frame numbers 10227/0073.

The Present Invention

The present invention is directed to clear or translucent fabric softening compositions that comprise a fabric softening compound, a principal solvent and an electrolyte. It has been found that use of an electrolyte in such compositions provides unexpected benefits, namely, it enables the use of solvents materials that would not otherwise provide a clear or translucent fabric softening composition and further, allows the formulator to prepare clear or translucent fabric softening compositions using lower levels of principal solvent than was known prior to the present invention.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-5, 7, 15-18 and 26-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,759,900 (the Wahl Patent). In accordance with the provisions of 35 U.S.C. §103(c), the Wahl Patent is no longer available to preclude patentability under §103(a). Applicants

respectfully request withdrawal of the rejection of claims 1-5, 7, 15-18 and 26-29 under 35 U.S.C. §103(a) over the Wahl Patent.


Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Wahl Patent in view of US 5,545,340 (the '340 Patent). The '340 Patent was cited for its teachings concerning the use of concentration aids as an optional component of the compositions taught in the Wahl Patent. As noted above, the Wahl patent is no longer available as a basis for rejecting any of the claims of the present application under the provisions of 35 U.S.C. §103(c). When taken alone, the '340 Patent fails to teach or suggest the claimed compositions. Further, claim 29 is believed to depend from an allowable claim, and as such, should be allowable as well. Applicants respectfully request withdrawal of the rejection of claim 29 under 35 U.S.C. §103(a) over the Wahl Patent in view of the '340 Patent.

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Attached hereto is a marked-up version of the changes made to the claims by this supplemental amendment. The attached page is captioned **"Version with markings to show changes made."**

Applicants respectfully request reconsideration of this application in view of the amendments set forth above and the remarks contained herein. The claims are believed to be in condition for allowance and an early notice thereof is respectfully requested.

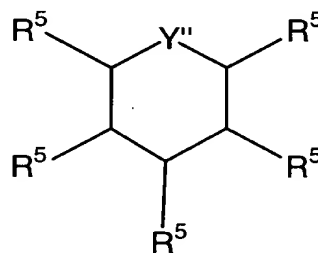
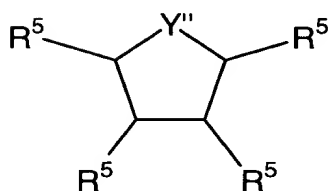
Respectfully submitted,

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July 2, 2001
Cincinnati, Ohio

Version with markings to show changes made

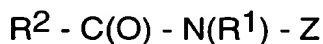
1. (Thrice amended) Clear, or translucent liquid fabric softener composition comprising:
 - A. from about 2% to about 80% by weight of the composition of fabric softener;
 - B. a principal solvent having a ClogP of from about -2.0 to about 2.6 present at a level [less than about 10%] up to about 40% by weight of the composition;
 - C. from about 0.5 % to about 10% by weight of the composition of electrolyte;
 - D. optionally, from 0% to about 15% by weight of the composition of phase stabilizer selected from the group consisting of:
 1. nonionic surfactants derived from saturated and/or unsaturated primary, secondary, and/or branched, amine, amide, amine-oxide fatty alcohol, fatty acid, alkyl phenol, and/or alkyl aryl carboxylic acid compounds having from about 6 to about 22 carbon atoms in a hydrophobic chain, wherein at least one active hydrogen of said compounds is ethoxylated with ≤ 50 ethylene oxide moieties to provide an HLB of from about 8 to about 20;
 2. nonionic surfactants with bulky head groups selected from:
 - a. surfactants having the formulas:



wherein Y'' = N or O; and each R⁵ is selected independently from the following: -H, -OH, -(CH₂)_xCH₃, -O(OR²)_z-H, -OR¹, -OC(O)R¹, and -CH(CH₂-(OR²)_z-H)-CH₂-(OR²)_z-C(O) R¹, wherein R¹ is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22, wherein each R² is selected from the following groups or combinations of the following groups: -(CH₂)_n- and/or -[CH(CH₃)CH₂]- wherein n is from 1 to

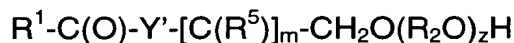
4; and wherein x is from 0 to about 3, and z, z', and z'' are from about 5 about 20;

- b. polyhydroxy fatty acid amide surfactants of the formula:



wherein: each R^1 is H, C_1 - C_4 hydrocarbyl, C_1 - C_4 alkoxyalkyl, or hydroxyalkyl; R^2 is a C_5 - C_{21} hydrocarbyl moiety; and each Z is a polyhydroxyhydrocarbyl moiety having a linear hydrocarbyl chain with at least 3 hydroxyls directly connected to the chain, or an ethoxylated derivative thereof;

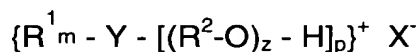
- c. surfactants having the formula



wherein R^1 is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22; Y' is selected from the following groups: -O-; -N(A)-; and mixtures thereof; and A is selected from the following groups: H; R^1 ; $-(R^2-O)_z-H$; $-(CH_2)_xCH_3$; phenyl, or substituted aryl, wherein x is from 0 to about 3 and total z is from about 5 to about 30; each R^2 is selected from the following groups or combinations of the following groups: $-(CH_2)_n-$ wherein n is from about 1 to about 4 and/or $-[CH(CH_3)CH_2]-$; each R^5 is selected from the following groups: -OH; and $-O(R^2O)_z-H$; and m is from about 2 to about 4; and

- d. mixtures thereof;

3. surfactant complexes formed by one surfactant ion being neutralized with surfactant ion of opposite charge or an electrolyte ion that is suitable for reducing dilution viscosity;
4. block copolymer surfactants comprising polyethylene oxide moieties and propylene oxide moieties;
5. cationic surfactants having the formula:



wherein R^1 is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-

aryl hydrocarbons; said hydrocarbon chain having from about 6 to about 22 carbon atoms; each R^2 is selected from the following groups or combinations of the following groups: $-(CH_2)_n-$ and/or $-[CH(CH_3)CH_2]-$; Y is selected from the following groups: $=N^+-(A)_q$; $-(CH_2)_n-N^+-(A)_q$; $-B-(CH_2)_n-N^+-(A)_2$; $-(phenyl)-N^+-(A)_q$; $-(B-phenyl)-N^+-(A)_q$; with n being from about 1 to about 4, wherein each A is independently selected from the following groups: H; C_{1-5} alkyl; R^1 ; $-(R^2O)_2-H$; $-(CH_2)_xCH_3$; phenyl, and substituted aryl; where x is from 0 to about 3; and each B is selected from the following groups: $-O-$; $-NA-$; $-NA_2$; $-C(O)O-$; and $-C(O)N(A)-$; wherein R^2 is defined as hereinbefore; $q = 1$ or 2 ; $m + p + q = 4$; total z per molecule is from about 3 to about 50; and X^- is an anion which is compatible with fabric softener actives and adjunct ingredients; and

6. mixtures thereof; and

E. the balance water,

wherein said electrolyte and said phase stabilizer, when present, provide at least one improvement selected from: lower dilution viscosity; the same, or better, stability with less principal solvent; and/or the use of principal solvents with a ClogP outside the range of from about 0.15 to about 0.64.

28 (Thrice amended) The composition of Claim 1 comprising: principal solvent having a ClogP of from about -2.0 to about 2.6 at a level that would not provide a stable composition in the absence of said electrolyte and/or phase stabilizer, the level of principal solvent being less than about [8%] 15%.